

A.I.D.'S EXPERIENCE WITH DEMOCRATIC INITIATIVES:
A REVIEW OF REGIONAL PROGRAMS IN LEGAL INSTITUTION BUILDING

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FOREWORD

The Agency for International Development (A.I.D.) provides assistance to a number of developing countries in promoting the development of democratic institutions. This discussion paper on legal institution building makes it clear that, given the rapid pace of political and other changes and the accompanying difficulty of predicting those changes, A.I.D. can play only a limited role in influencing democratic institutional development.

In cases where such development has occurred, this discussion paper suggests, it is not enough to evaluate in the standard manner. Instead, evaluators need to know the right places to look for the impacts of democratic initiatives. Finding such impacts can be a difficult task, especially because the unique shape of a society and its politics greatly affect the way in which a developing country responds to democratic initiatives. That task may require looking at processes that are not readily observable -- for example, how an individual feels and acts toward the state in terms of his or her own rights and responsibilities vis-...-vis those of the state. A.I.D. evaluations generally do not look at the development process in this light.

A fundamental question raised in this paper is whether or not A.I.D. programs in democratic institution building address the issue of democracy as a substantive process rather than as a process of form. Inattention to that issue may result in attempts to stamp some aspect or form of U.S. democracy on societies whose structures are very different from those of one another and from those of the United States. In such situations it is critical to ask just whose initiative it is; that is, where did the interest originate, and what is the level of commitment to the initiative?

The primary audience for this paper is A.I.D. Bureau and USAID Mission strategists and program and project managers, who should find the paper a useful reference as they design, implement, and evaluate programs and projects that build on democratic potentials in the developing countries. The paper should also be useful to senior management, especially those with a stake in the policy issues surrounding human rights and democratic initiatives generally and democratic institution building specifically.

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SUMMARY

Important reasons for the present interest in democratic initiatives in the Agency for International Development (A.I.D.) are their prominence in a recent House version of the foreign assistance legislation and A.I.D.'s own concern about achieving political, economic, and social pluralism. Another reason is the occurrence of significant political change around the world. A.I.D.'s experience in implementing Congressional and Executive mandates in democratic institution building is by no means new. The Agency has been involved almost since its inception in carrying out programs and projects that in one way or another bear on the development of democratic institutions.

The two major programs under which A.I.D. has carried out democratic initiatives are Title IX, Utilization of Democratic Institutions in Development, and the Human Rights Initiative, Encouraging Development of Civil and Economic Rights. Some important questions about A.I.D. experience (derived mainly from interviews conducted for this report) concern where a particular initiative originated -- whether inside or outside a country or from the grassroots or government -- and the degree to which the Agency is committed to implementing development under the heading of "democratic initiatives."

The focus of this paper, legal institutional development, was selected mainly because it is the only area of democratic institutional development for which sufficient evaluative documentary materials are available. Because of the lack of documentation, this paper relies heavily on interviews with A.I.D. officials who have experience with various democratic initiatives. Since the Agency approach to legal institution building is regionally organized, each major program is reviewed and analyzed along regional bureau lines. Activities reviewed are the Bureau for Asia and Near East Human Rights Program, Bureau for Latin America and the Caribbean Regional Administration of Justice project, and Bureau for Africa Human Rights Fund.

A general set of four criteria was derived for assessing legal institution building activities: (1) management organization (including monitoring and evaluation), (2) institution building effectiveness, (3) improvement in human rights, and (4)

sustainability. Findings of the assessment suggest that there tend to be real constraints in the management organization of democratic institution building programs or projects. These may result from inadequate coordination with the Mission or A.I.D./Washington but may also reflect a lack of full commitment to the effort.

While institutional impact is difficult to observe, the more ambitious goals of legal reform or transformation of judicial systems have simply not been met. Much the same is true of human rights improvements: significant attitudinal or behavioral changes are not discernible, though this may be a function of the evaluation methods used rather than an actual measure of such changes. At any rate, no sense of broad societal changes in attitudes or behavior could be detected. Similarly, for the criterion of sustainability, it was difficult to get a sense that these democratic institution building efforts would be continued after the withdrawal of A.I.D. funding. This statement must be qualified, however, since the Latin America project was only partly completed at the time of the evaluation and no evaluations had been done for the Africa program.

Lessons learned for the Agency, for regional bureaus, and for Missions are provided. Many of these lessons are based on interviews rather than on the evaluation documentation itself. For the Agency one of the important lessons is that the substance and processes of democratic development, not simply the form, must be transmitted to developing countries. An important lesson for regional bureaus is that the program priorities for democratic initiatives must ultimately take into account specific needs that evolve at the country level. Finally, for Missions, one key lesson is that rather than expecting a centralized, Washington based approach to democratic initiatives, Missions must be actively involved in design and implementation.

GLOSSARY

A.I.D. - U.S. Agency for International Development

AMIDEAST - America-Mideast Educational and Training Services

RAOJ - Regional Administration of Justice (Latin America regional project)

CDIE - Center for Development Information and Evaluation

FAA - Foreign Assistance Act

FY - Fiscal Year

ILANUD - Latin American Institute for the Prevention of Crime and Treatment of the Offender

- PPC - Bureau for Program and Policy Coordination (A.I.D.)
- PVO - Private voluntary organization
- OECD - Organization for Economic Cooperation and Development
- USAID - A.I.D. Country Mission

1. INTRODUCTION

1.1 Democratic Initiatives in a Rapidly Changing World

An important reason for the present interest in democratic initiatives {1} is their prominence in the 1988 House of Representatives version of the foreign assistance legislation. In that version one of the four main objectives of assistance is the enhancement of "civil and political rights and economic freedom." In responding to the House version, the Agency for International Development (A.I.D.) underscored the achievement of "political, social, and economic pluralism."

Another reason for the interest in democratic initiatives is the rapid political changes occurring around the world. On the world stage we see democratic developments in countries where we did not predict such changes and changes for the worse where we once saw promise. While in some developing countries we see modernization at times correlated with democracy, at others it is associated with authoritarian rule (see, for example, Muller 1985, 446). There are no firm rules for predicting such political changes.

Some unexpectedly positive political changes have occurred in countries where there is a genuine, internally motivated, and visibly expressed demand for democratic freedoms, whether or not their economies show a promising growth trend. The Philippines is moving towards such freedoms while most of Eastern Europe is well along on the march to a truly democratic society. Then there are cases where that same pent-up demand sees the light of day only to be squelched by either repressive measures, inaction, or indifference -- again, with little correlation to specific economic conditions. The cases of Nicaragua and, more recently, China remain vividly imprinted on the imagination because their early promise was followed by the brutalization of democracy in its infancy.

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1 Democratic initiatives refer to actions determined by the Legislative or Executive branches to promote democratic freedoms through U.S. Government-sponsored international programs

1.2 Some Key Discussion Questions

Given the thrust of democratic initiatives as they are emerging around the world, it is timely to pose some questions about A.I.D. support of these initiatives.^{2} These questions are based on the review of A.I.D. and other documentation carried out as part of this analysis. They also derive from interviews with A.I.D. officials experienced in the area of democratic initiatives and with a selected number of specialists in political theory. These questions are as follows:

- How do changes brought about by A.I.D.-supported democracy-building activities affect economic growth and development?
- Who initiated A.I.D.'s involvement in supporting a given democratic institution building activity in a particular country?
- How does A.I.D. interpret and projectize democratic initiatives from Congress and the Executive branch?
- How direct a role should A.I.D. play in supporting politically sensitive activities?
- In what areas of democracy building, if any, does A.I.D. have an advantage?
- How well does the requirement of a long-term commitment to political development fit A.I.D.'s program format?
- In the competition for ever-scarcer program funds, how high a priority does democratic institution building have?
- Finally, what kinds of performance indicators are valid for measuring results of democratic institution building?

In light of such questions and issues as these, it is timely to review certain aspects of A.I.D.'s support of this major development objective.

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2 Yet another sign of A.I.D. support of democratic initiatives is a recent Asia-Near East Bureau meeting with private voluntary organizations to explore a cooperative relationship in support of what in A.I.D. is now called "institutional pluralism." That bureau is writing a strategy to promote pluralism, one of its four major program thrusts.

1.3 Purpose of the Report

For the purpose of this paper, democratic institution building is restricted to legal institutional development, since it is the only area of democratic institutional development for which sufficient evaluative documentary materials are available.^{3} It is necessary to emphasize, however, that A.I.D. has significant experience in legislative development, electoral reform, ^{4} and other human rights activities. The purpose of this paper is threefold:

- To provide an overview of A.I.D.'s response to democratic initiatives from Congress and the Executive since the inception of the 1961 Foreign Assistance Act
- To assess the effectiveness of A.I.D.'s legal institution building effort
- To offer lessons learned from A.I.D. experience in legal institution building for the Agency as a whole, for regional bureaus, and for Missions.

Because of the small number of evaluations available, it was decided to interview A.I.D. officials previously or presently involved in democratic initiatives work. Such interviews would permit the documentation to be cross-checked and would unearth information that was not available in A.I.D. reports. One limitation of the written documentation, some A.I.D. officials said in interviews, is that it tends to gloss over certain realities because of the political sensitivities surrounding the topic of democratic initiatives as well as the level of A.I.D. interest in these initiatives.

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3 Given the absence of evaluations in the A.I.D. documentation system, it can only be surmised that the evaluations do not exist or never got into the system because of bureaucratic oversight or their presumed political sensitivity.

4 Despite a number of difficult issues surrounding U.S. election assistance, optimism exists in some quarters that such assistance can "make a positive contribution to the development of free and fair elections and democracy in the Third World."

2. A.I.D. RESPONSE TO DEMOCRATIC INITIATIVES

A.I.D.'s participation in implementing Congressional and Executive mandates in democratic institution building is by no means new. Since its inception the Agency has been involved in carrying out programs and projects that in one way or another bear on the development of democratic institutions. According to some of the interviews carried out for this report, A.I.D. has not always been receptive to carrying out these mandates, particularly where U.S. development assistance was leveraged to nudge a country toward some democratic norm or other. To deal with such mandates, special offices have been set up and the effort was

often pushed onto private voluntary organizations (PVOs), thus presumably removing A.I.D. from the onus of everyday involvement in promoting these initiatives. Such a response underscores the question of how committed A.I.D. is to implementing development under the label of democratic initiatives.

A.I.D.'s involvement in democratic institution building has mainly occurred under the auspices of several distinctive Congressional mandates. These mandates grew out of the original Foreign Assistance Act of 1961, which defines development comprehensively, including language on building "economic, political, and social institutions" to improve the life quality of developing country peoples (U.S. Library of Congress 1989, 17). A.I.D. has been cognizant of its obligations to carry out democratic initiatives mandated by Congress or the Executive and to follow the procedures established toward that end (U.S. Library of Congress 1979). The two primary democratic initiatives that A.I.D. has implemented are described below.

2.1 Title IX: Utilization of Democratic Institutions in Development

Title IX of the 1961 Foreign Assistance Act (FAA) as amended by the 1966 Act mandated the "utilization of democratic institutions in development" (FAA 1966, Title IX, section 281). This title specifically called for greater popular participation in development "through the encouragement of democratic private and local governmental institutions." It was interpreted as serving all major long-term U.S. national interests, while maintaining that "economic growth is an integral part of development, which inseparably requires social and political development" (Brookings 1969, 1). Origins of Title IX are briefly noted in Appendix A.

Under Title IX, research funds were designated to provide a better understanding of how development assistance might be applied to "support democratic, social and political trends in recipient countries." The legislation stipulated that the Agency provide in-service training programs to "familiarize its personnel with the objectives of this title and to increase their knowledge ledge of the political and social aspects of development." To support the new activities stimulated by Title IX, A.I.D. in the late 1960s, established a special office known as the Civic Participation Division, described in Appendix B.

2.2 The Human Rights Initiative: Encouraging Development of Civil and Economic Rights

The Human Rights Initiative, which followed on the heels of the U.S. civil rights movement and U.S. involvement in Vietnam, was passed by a Democratic Congress in 1973. It went through subsequent changes depending on which party was in office. (Appendix C contains additional notes on this initiative.)

The Agency Policy Determination on Human Rights (A.I.D. 1984a), following section 116(e) of the FAA (1978), directed A.I.D. to undertake a broad scope of activities. It specified that A.I.D. should

carry out programs and activities which will enhance adherence to civil and political rights. Such activities are appropriate for a developmental organization because the United States recognizes that the engine of economic growth is personal liberty.

Section 116(e), added during the Carter administration, had authorized not less than \$3 million {5} each fiscal year for studies and programs that "will actively encourage or promote increased adherence to civil and political rights." The Policy Determination went on to state that the developmental side of human rights activities is an expression of "the U.S. understanding that civil and political rights cannot be separated from economic policies or development." Under section 116(e), A.I.D. supports specific projects that reflect the following broad range of themes:

- research and discussion of civil and political rights
- the awareness of civil and political rights
- adherence to the rule of law through a legal framework conducive to civil and political rights
- free and democratic electoral systems
- development of democratic principles and institutions that promote human rights
- development of human rights organizations
- increased access of women and ethnic groups to the judicial system and to the political processes

Guidelines for implementing human rights programs are outlined in an appendix to the Policy Determination No. 12: "A.I.D. Policy Guidelines for the Promotion of Civil and Political Rights" and in a memorandum from the Assistant Administrator of A.I.D.'s Bureau for Program and Policy Coordination (PPC) (A.I.D. 1984b). Implementation of FAA section 116(e) activities began in 1978. Annual summaries of Human Rights and Democratic Initiatives (A.I.D. 1978-1988) reflect the broad range of activities supported under section 116(e).

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5 In FY 88 the amount totalled over \$8 million.

2.3 A Question of Whose Initiative and Level of Commitment

It is quite clear from the review of A.I.D. program documentation and interviews with A.I.D. officials that the character of democratic initiatives program and project results is highly dependent on the origin(s) of a particular initiative and the level of commitment to it. Whether an initiative derives from the U.S. Congress, the President, the Department of State, or the A.I.D. Administrator or from a developing country government, an interested U.S. PVO or a local PVO can make a significant difference in how a program is shaped and how it ends up. It is unnecessary if not impossible to uncover the exact origins of the initiatives that stimulated the programs assessed here. On the other hand, readers must be aware of the possibility that a particular initiative may have been imposed on A.I.D., the host country government, and the implementing PVO as part of the overall U.S. assistance program, including development, economic support or military assistance.

3. A REGIONAL APPROACH TO LEGAL INSTITUTION DEVELOPMENT PROGRAMS

3.1 A.I.D.'s Assistance Approach

A.I.D.'s support of legal and judicial institution building ranges across a broad spectrum. Some examples of the range of projects are improving law and social structure in the contemporary Near and Middle East; improving access to legal rights for rural women in Latin America; strengthening the legal system of Nepal; and providing support to African magistrates to attend legal rights conferences. A significant effort by the Latin America bureau in the late 1960s-early 1970s to provide legal educational reform in university law faculties was the Law and Development program. Today, all activities in human rights or democratic initiatives occur under one of the three following headings: section 116(e) of the Human Rights Initiative, the Latin America and Caribbean Bureau's Regional Administration of Justice project, or Mission operational yearly budgets. A.I.D. tends to carry out these efforts in a regional framework.

The approach to legal institution building varies considerably across regions and may even vary, to a degree, within a region. For that reason each regional program is reviewed and analyzed separately.

3.1.1 Bureau for Asia and Near East Human Rights Program

The Bureau for Asia and Near East Human Rights Program was begun in FY 1979 during the Carter administration and initially emphasized enhancement of individual human rights. That thrust continued into the Reagan administration, which in 1982 shifted

the focus of human rights to strengthening democratic institutions as the most effective way of guaranteeing individual rights. Legal and judicial aspects have included activities to strengthen existing legal systems and to increase access to justice. Through FY 1987 the regional funding obligation level reached \$5.6 million.

The section 116(e) Human Rights Program in the Asia and Near East Bureau encompasses more than just legal institution development. While a portion of that program is devoted to promoting an awareness of civil and political rights, a large part has been directed toward either strengthening existing legal systems or increasing access to justice. Program implementation, following the guidelines set forth in Policy Determination No. 12, is carried out by PVOs along subregional lines. The Asia Foundation has implemented a number of activities in Asia since 1978. Under the Legal Education and Training project, America-Mideast Educational and Training Services (AMIDEAST) managed human rights activities in the Near East and North Africa region under a cooperative grant agreement for 4 years beginning in 1985 at a total project cost of \$685,000.

The Asia project portfolio is directed to a cross-section of the seven broad themes contained in the Human Rights Policy Determination. All seven themes have been consistently addressed since the program began. The Near East portfolio, by contrast, is targeted to legal professionals. It focuses on strengthening legal systems by providing wider educational and training opportunities to professionals in law and related fields, including lawyers, magistrates, judges, prosecutors, and law professors.

3.1.2 Bureau for Latin America and the Caribbean Regional Administration of Justice Project

With programs that date from the late 1960s, the Latin America and Caribbean Bureau has the longest, most in-depth involvement in democratic institution building. Under Title IX, the bureau's efforts included legislative development projects, strengthening local government, civic education, and leadership training. As one example, during the 1970s the bureau supported an effort by the Comparative Development Studies Center of the State University of New York at Albany, to generate an approach to legislative institutional development (Creative Associates International 1987). This effort led directly to legislative assistance activities in Brazil and Costa Rica. According to interviews done for this report, the initiatives for these activities came mostly from the host country or through a local or U.S. PVO.

In addition to Title IX and section 116(e) programs, the Regional Administration of Justice project (RAOJ) was authorized by Congress in 1985 for a life-of-project period of 5 years. Earmarked by Congress, the RAOJ was expanded beyond Central

America to include six additional countries in South America, and the funding was increased from a modest, few hundred thousand dollars in 1985 to \$11.8 million in Economic Support Funds through 1986. The project's goal is to strengthen regional and national legal and judicial systems, with a major emphasis on criminal justice.

Another aspect of the Latin America Bureau Program was a series of projects developed in the 1970s and early 1980s in legal assistance to the poor, with special emphasis on legal rights and services for poor rural women.

Because the RAOJ project was only midway in its implementation at the time of its evaluation, the following description is based on interim material. The project provides funds for the United Nations Latin American Institute for the Prevention of Crime and Treatment of the Offender (ILANUD). ILANUD's role is to provide training and technical assistance to national organizations essential for "the improvement of administrative, technical and legal performance of national justice systems in the region with major emphasis on criminal justice system improvement" (Checci and Company Consulting, Inc. 1988, i). The project also funds technical assistance to ILANUD from Florida International University. Project funds support the operation of A.I.D.'s Regional Administration of Justice Office in Costa Rica, which oversees the regional project and coordinates its activities with those of the USAID Missions throughout the region. The Latin America Office of Democratic Initiatives provides overall guidance and direction for the project.

3.1.3 Bureau for Africa Human Rights Fund

In the Bureau for Africa, legal and judicial institution building has been more piecemeal than in either of the other regional programs. Initiated through section 116(e) program in FY 1979 for funding small grants in 12 African countries, the Human Rights Fund for Africa has as its purpose to promote observance of civil and political rights as identified in the Universal Doctrine of Human Rights. The fund was approved in FY 1981 for expansion to 30 countries, at the same small-grant level of funding, for continuing activities to promote civil and political rights. Specific examples of the activities funded are seminars, conferences and educational programs, local research or scholarship, and assistance to local organizations. (See Appendix E for a list of projects.)

The Human Rights Fund for Africa encompasses themes from Policy Determination No. 12 with special emphasis on the rule of law. The general purpose of the fund, according to the activity data sheet (A.I.D., 1979-1980), is to promote observance of civil and political rights. A more comprehensive approach to democratic initiatives has been used by the South Africa Human Rights Fund, by which A.I.D. under National Endowment for Democracy cooperative agreements with local disadvantaged organizations

supports a number of projects collectively called the Community Outreach and Leadership Development project. Funds under this program are given as grants for assistance to victims of apartheid, victims of violence, and black-led groups to promote peaceful change, and direct legal assistance to the disadvantaged and victims of apartheid. FY 1988 funds for this program total \$1.5 million. Since these projects are not directly in the area of legal institution building, there is no need to consider them further.

4. ASSESSING EFFECTIVENESS OF LEGAL INSTITUTION DEVELOPMENT

The number of available evaluations of A.I.D.-supported legal development programs or projects is limited. In the case of the Asia-Near East human rights program, a final evaluation is available. That evaluation had the benefit of a team that included the PPC Bureau Human Rights coordinator and the Asia-Near East Human Rights officer. For Latin America and the Caribbean, an interim evaluation has been completed and is available. The Africa Bureau has had no systematic evaluation of its program to date. Thus, the following assessments of program effectiveness are not comparable on all points, depending on the extent of documentation and information derived from interviews with A.I.D. officials who worked on these programs.

Assessments are made along the lines of what are termed criteria of effectiveness. These criteria are akin to but not the same as performance indicators, since they are not easily quantifiable as measures of results. The effectiveness criteria, discussed below, are outlined in Table 1 as they apply to legal institution building programs on a regional basis.

4.1 Criteria for Assessing Effectiveness

A review and analysis of program evaluations and interviews with A.I.D. officials produced four criteria of legal institution

Table 1. Effectiveness of A.I.D. Regional Programs in Legal Institution Building

Effectiveness Assessment of Regional Programs			
Effectiveness Criteria	Asia and Near East (evaluation of completed programs)	Latin America/Caribbean (interim eval. only)	Africa (eval based mainly on interviews)
Management Organization	PVO effectiveness in program management	A major constraint is lack of clear respon-	A.I.D.-State joint effort;

missing feedback loop sibility for coor- no evidence
to Mission and A.I.D./ dination within A.I.D. of signif-
Washington cant con-
straints

Monitoring and Effective program Evaluation system not No system in
Evaluation reporting; lack of in place as of interim place; no
identifiable program eval.; monitoring and evals. done
performance indicators eval. reporting to date

Institution Limited impact on Goal of transforming Limited;
Building legal reform per se justice systems may probably not
Effectiveness be overambitious intended to
have such
impact

Improvements No significant Too many variables No measure of
in Human Rights change observed external to project change
to permit improve-
ment measures

Sustainability Financially Financial absorptive Unclear that
unsustainable given capacity of ILANUD sustainability
lack of govt. support; uncertain; financial is an intended
limited organizational viability of national outcome
sustainability institutions post-
A.I.D. uncertain

building. These criteria are, in order of least to most comprehensive, management organization, including monitoring and evaluation; institution building effectiveness; improvement in humans rights in the society of concern; and sustainability.

The criteria are less precise than is desirable since the project designs specified few measurable indicators and the evaluators also seemed at times to be unsure where to look in uncovering evidence of improvement in human rights. The findings often focus on project outputs (e.g., implementation of proposed activities) as opposed to impact or achievement of desired results (e.g., the spread of democratic practices, a greater respect for human rights). The definitions of criteria that follow represent an attempt to provide some of the precision lacking in the original evaluations.

4.1.1 Management Organization

Management organization refers to the full gamut of activities carried out as part of the project or program cycle -- from design through implementation to evaluation. It includes the management plan and organizational structure of a number of interrelated bodies, including the USAID Mission, host country legal or related institution and actors, relevant contractors or

PVOs, and A.I.D./Washington. Management organization also includes (although this category is often less formally defined than an organization) the people or beneficiaries whose legal rights are supposed to be improved. In essence it is the organization of people and resources necessary for the administration and implementation of, in this case, a given legal rights project or program.

Included under management organization are monitoring and evaluation, which are here considered to be management tools that serve both A.I.D. and host country institutions in improving their policies and procedures in delivering and receiving development assistance (OECD 1986). The term evaluation is used here to mean an ongoing process of describing and analyzing assistance projects and programs for the purpose of addressing decision-making concerns of operational units. Monitoring is used to mean tracking events during implementation.

4.1.2 Institution Building Effectiveness

Institution building effectiveness is the degree to which an organization devoted to the promotion and achievement of a specific objective or set of related objectives is able to bring together people and resources to accomplish that objective. Because in any one society human rights and democratic initiatives include such a broad range of activity, it is not often easy to sort out how specific institutions affect them, either individually or collectively. Despite this difficulty, when the evaluations reveal such effects, this report will cite them.

4.1.3 Improvement in Human Rights {1}

Human rights improvements are, in the case of legal institution building, improvements in the guaranty that citizens have access to such legally based rights as expression, association, and petition through the improved capacity of legal institutions. This is perhaps the most elusive of the four criteria. The problem is that improvements in the human rights situation that are significant to a country as a whole may be very difficult, if not impossible, to attribute directly to a specific project. Nevertheless, a few tentative conclusions on human rights improvements are made.

4.1.4 Sustainability

Sustainability is the capability of previously donor-assisted host country institutions to be self-reliant and to continue to provide useful development results to beneficiary populations. This concept is particularly complicated with respect to democratic institution building or human rights programs or projects. One obvious complication is the wherewithal for continued sup-

port -- financial and moral -- once donor assistance is withdrawn. If the host government is uncommitted to or simply unwilling to assist in continuing a democratic institution project, then who will? Given the sensitivities surrounding a particular human rights issue, under what conditions will a local advocacy group be willing to stick out its neck in continuing a human rights program?

4.2 Effectiveness of Bureau for Asia and Near East Human Rights Program

4.2.1 Management Organization

According to the evaluation, confusion over progress and status of projects in the Asia subprogram resulted from poor lines of communication between The Asia Foundation, USAID Missions and A.I.D./Washington. Inattention to monitoring on the part of Missions resulted in an insufficient flow of information to A.I.D./Washington for planning purposes. One interviewee believed that such inattention was a sign of lack of commitment. In this respect the program evaluation suggests that the Bureau needs to outline the kinds of information it requires from Missions to enable it both to track program progress and to make plans for future projects and programs.

The evaluation of the Near East and North Africa part of the program reports the absence of an effective management communications system. Specifically, it is noted that there was no effective system to communicate management decisions by AMIDEAST, the PVO, or A.I.D. for any of the subgrant activities. Otherwise, the evaluation rates the overall program as moderately successful.

Perhaps one reason for the absence of an effective management communications system is that the entire program was planned and implemented from AMIDEAST headquarters in Washington, a symptom of the organization's concern to keep a potentially volatile arena under tight control. This approach, with centralized responsibility for decisions about funding allocations and program activities and priorities, did not benefit from AMIDEAST's existing network of field offices in the project countries and the rich experience of their field staff. Field offices, according to the program evaluation, were not even routinely informed about human rights program activities or funding allocations for in-country programs. That situation perhaps speaks for the level of commitment by the PVO to the activity. Since the time of the evaluation, the way in which the grantee manages the program has been altered to give the field greater input and decision-making authority.

Concerning monitoring and evaluation, a serious drawback was the lack of identifiable program performance indicators and evaluation factors. As the evaluation states, "the state-of-the-art on evaluating human rights activities is in an incipient stage"

(P. 24). However, certain activities in this domain clearly have some basic, identifiable progress indicators, such as legal services, legal literacy, and legal education. There are also the identifiable attitudinal and behavioral changes noted earlier. Early identification of these indicators would permit more systematic assessment of program effectiveness and impact. On the other hand, it needs to be recognized that formulation of easily measurable indicators for activities designed to raise consciousness and promote discussion of human rights or to improve legal systems is difficult. Even more difficult is trying to measure the cost-effectiveness of such activities.

4.2.2 Institution Building Effectiveness

For the Asia subprogram, certain projects addressed immediate human rights concerns, while others had a more indirect effect on the legal structure. Examples of projects that affected the legal structure include efforts to develop networks for promoting alternative dispute resolution methods and to provide the documentary support necessary for citizens and lawyers to sort through existing human rights legal provisions. These activities affect institutional development by supporting changes in laws and regulations and legal services for individuals. Projects touching more directly on human rights include legal services, legal literacy training, assistance in legal education, and promoting awareness and discussion of human rights issues. Examples are the Women's Legal Services project in Nepal, Legal Aid and Legal Literacy in Thailand, and Indonesian Legal Services.

In the Near East and North Africa subprogram, strengthening legal systems in the four selected countries was a focus. Specific targets for upgrading included the following: due process, the rule of law, constitutional law, civil and political rights, legal and administrative procedures, maintenance of an independent judiciary, and legal training methods. To improve these areas, some assistance with institutional planning and related technical fields was given.

The evaluation judged that the program's strongest impact was in Morocco, given the range of activities it supported and the multiplier effects they have generated. Initiation of the regional subprogram itself was a first step in contributing, modestly in terms of resources and cautiously in terms of approach, to strengthening legal systems with respect to human rights in the selected countries during a 3-year period. Long-term effect on institutional development in the human rights domain is difficult to project at this point, because at the time of the evaluation the program lacked an effective monitoring and evaluation system.

4.2.3 Improvement in Human Rights {2}

The evaluation points out for the Asia subprogram that,

generally speaking, no significant improvement in the human rights situation of the countries as a whole was observed. However, noticeable improvement was recorded in projects that designated groups of individuals for purposes of increasing their legal literacy and understanding of human rights issues, assisted institutions in improving their capabilities in the human rights area, or provided actual legal aid to specific individuals. Such changes were, however, clearly limited in terms of geographic spread.

Projects whose purpose was to provide logistical support for human rights development, for example, projects aimed at such outcomes as research, library collections, and printing and dissemination of Supreme Court decisions, laws, and regulations, present a special case. Such projects could only be expected to produce results in the long run, for example, through use of research and documentation in courts and through legislative activity. Thus insufficient time had elapsed to permit observations during the evaluation.

While no human rights changes were observed as a result of the Near East and North Africa program, the potential for change was indicated. Specifically, the possibility was noted that, as a result of the program, human rights issues would be introduced in international law courses in several law faculties in Egypt, Jordan, and Morocco. Another change observed is that more information was appearing on human rights in the media, including newspaper articles and a radio program in Morocco that included human rights as a topic from time to time. In both Morocco and Egypt, publicity about some project-supported activities appeared often in newspapers. The level of consciousness about human rights was raised noticeably in Morocco but not in Jordan; and in Egypt the situation was indeterminate.

It is worth noting that evaluators did not uncover much information on qualitative changes in the human rights situation. It is apparent that they did not use such data-collection techniques as focus group or key informant interviews, which do not necessitate a level of effort beyond the scope of most evaluations. Human rights is a very appropriate area for application of such techniques.

4.2.4 Sustainability

In the Asia human rights subprogram, according to the evaluation, many projects were sustained institutionally after A.I.D. funds were withdrawn, a fact that the evaluators perceived as testimony to the viability of the institutions and participants. On a somewhat confusing note, however, the evaluation goes on to report that the projects were not financially self-sustaining. The rationale for this distinction in sustainability, the evaluation explains, is that human rights organizations by definition are not-for-profit organizations and, for the most part, are not government financed. Therefore, they need an outside source of

revenue--something they did not have in the Asia subprogram.

Such a perception does not take account of the potential for self-help measures in the local mobilization of finances. The most successful projects in the Asia portfolio (see Appendix E for a list of projects), for example, were those that provided legal services, such as representation in court or legal advice and counseling. The legal literacy outreach program was also deemed quite successful in terms of numbers of persons reached. These are the kinds of public service activities that may contribute to sustained legal institution building.

In the Near East and North Africa subprogram, the most effective activities in terms of sustainability, according to the evaluation, were the short-term participant training courses for university law faculty and members of the judiciary. In Morocco, a "Humanitarian Law and Human Rights" seminar series was judged to be very successful. Specifically, projects that provided short-term training programs in human rights subjects for law faculty professors and deans worked best and left the strongest imprint. Least effective in generating lasting results were projects that supported studies, seminars, and conferences, and those that involved research, publication, or information resource gathering. Constraints in such projects reflect an incentive system that does not encourage either research or publication by either university law professors or legal professionals in the Arab countries of concern.

The evaluation concluded, however, that it was unlikely that any of the three countries evaluated (Egypt, Jordan, and Morocco) would continue the human rights participant training program for faculty development or the judiciary at the level provided by the project.

4.3 Effectiveness of Bureau for Latin America and the Caribbean Regional Administration of Justice Project

4.3.1 Management Organization

The interim evaluation of RAOJ indicates one major management-administration constraint, the absence of a clear distribution of responsibilities within A.I.D. Contributing to that constraint is what is felt to be the lack of familiarity and thus of political sensitivity of A.I.D. officers to the subject matter, namely improving the criminal justice system. One interviewee suggested that the constraint was due more to lack of commitment and interest on the part of A.I.D. than to an absence of knowledge or sensitivity.

On the ILANUD side, it seems that the program activity has moved ahead of that institution's management capability. The main issues and problems that ILANUD now faces are related to strategy, policy planning, evaluation, institutional role setting,

definition of organizational roles for staff, and creating client relationships. Important to ILANUD's sustaining its level of activity is the degree to which A.I.D. includes the institute in the implementation of bilateral programs in the region. Moreover, ILANUD's inclusion in those bilateral programs is further dependent on additional funding support from A.I.D. for its institutional improvement.

From the bureau standpoint, the evaluation reported that the Latin America Bureau's Office of Democratic Initiatives, which provides overall policy guidance and direction to the project, has not been as actively involved in the project as was initially envisioned. The evaluation recommends as essential closer guidance and support from A.I.D.'s Regional Administration of Justice Office in resolving issues that occur in the Missions, as well as assistance to Missions in enacting the bilateral action programs.

4.3.2 Institution Building Effectiveness

Appropriate measures of progress toward the project's goal (institutional development of the national justice systems of the participating countries) were impossible to gauge during the interim evaluation of RAOJ. A look at the stated goal of the project may show why that is, and may for the foreseeable future be, the case:

To foster the transformation of national justice systems in the region into systems based upon independent and strengthened judiciaries which will increase popular confidence in the fair and impartial application of law, and will support democratic institutions (Checci 1988, ii).

This statement clearly denotes the disjuncture between design and implementation realities. Furthermore, the grandiose character of the goal places evaluators in a difficult position when trying to measure success. Evaluators felt that progress on that goal would be highly dependent on factors outside the project and that, in any case, any measurements would have to be country-specific to be significant. One critical factor is the secondary position of the judicial system in Latin American society.

The issue here is partly one of whether to rely on a regionally based program such as ILANUD or on nationally oriented programs. In the absence of ILANUD, A.I.D. might tend to rely mainly on U.S. institutions to carry out the programs of improving the operation of criminal justice systems in individual countries. This, according to the evaluation, could lead to troublesome problems resulting from a perception of U.S. interference, a viewpoint that tainted A.I.D.'s Law and Development programs in the 1960s.

Minimum purposes of RAOJ, the evaluation suggests, will have

been achieved by the end of the current life of project. These include strengthening ILANUD, completion of sector assessments and carrying out action programs in the areas of judicial statistics, organization of juridical information, and administration of courts. However, it was seen as "unlikely that any significant impact on the actual operation of the institutions in the sector or on the public's perception of the fairness of the criminal justice system will have taken place -- much less as a result of the Regional Project" (Checci 1988, iv).

4.3.3 Improvement in Human Rights {3}

The evaluations and the interviews offer little evidence to indicate that the RAOJ has had significant impact on public attitudes about the fairness of the judicial systems. According to the program evaluation, the general view of informed professionals in the judicial area is that, to be effective, the program must engage the comprehensive support of other institutions. The societal constraints are too firmly entrenched to expect consciousness raising or to assume that limited technical assistance can overcome them. In addition, the time factor is critical in a program as ambitious and potentially far-reaching as this. As one A.I.D. official interviewed for this report noted, "Programs in legal institution building require somewhat more time than a more typical A.I.D. project, since they involve elements such as decision-making, policy changes, and the electoral process."

4.3.4 Sustainability

Evaluated at its midpoint, the RAOJ was judged to have made significant progress. Questions of sustainability are not relevant at present, in that ILANUD, the United Nations institution supported by A.I.D., is still at an early stage of building its capacity to handle the sizable amounts of A.I.D. funds it is receiving. (It is instructive to note, on the basis of an interview that while the first grant to ILANUD was \$150,000, that amount was in short order increased to \$9.5 million. The interviewee questioned whether this rather modest institution had the capacity to deal with such a quantum leap in funding.)

Institutional sustainability of ILANUD on the regional level has been complicated by its insufficient focus on national judicial problems and conditions and the absence of an effective coordinating system among participating organizations, including ILANUD, the Missions, and RAOJ. Furthermore, the lack of ILANUD training program follow-up to support and utilize the expertise of former trainees working in their countries' judicial systems has reduced the chances of transferring applicable knowledge.

4.4 Effectiveness of Bureau for Africa Human Rights Fund

As was indicated earlier, no regional evaluation has yet been made of the Human Rights Fund for Africa. The smaller amount of funding available for the Africa region and the greater number of prospective nations eligible for funding consideration have resulted in numerous small, dispersed activities. It is not yet known whether these activities have had any sustainable impact on the legal institutional development of the countries in which they operated. The Fund's intended overall outcome was the promotion of civil and political rights. That goal was to be achieved in a number of ways, including the following: increasing contact among those interested in human rights development; increasing knowledge and information on human rights; furthering advocacy, especially among minorities and disadvantaged groups; and "obtaining or maintaining human rights under development programs" (A.I.D. 1979-80, 1).

There is some limited information that can give an impression of the Fund's effect on the human rights situation. Some of this information comes from anecdotes or Mission cables. Of the anecdotal type is a favorable example from South Africa. There, A.I.D. supported codification of Zulu tribal law through computerizing and printing of this local law in manuals. Proof of its usefulness is that judges are seen using the manual in the adjudication of Zulu cases. An example from a cable is A.I.D.'s response to a Gambia Ministry of Justice request for human rights funding to support the purchase of office equipment for a proposed Center for Democracy and Human Rights Studies. This request included typewriters, duplicating and photocopy machines, a telex and telephone, and a computer -- equipment that in today's world is essential to the broad promotion of human rights.

Because this program has not been formally evaluated, no attempt is made here to analyze its effectiveness.

5. LESSONS LEARNED IN LEGAL INSTITUTION BUILDING

Lessons learned from A.I.D. experience in legal institution building are now synthesized in terms of their application to the needs and concerns of, first, the Agency as a whole, second, the regional bureaus, and third, USAID Missions. These lessons are derived from the following four sources: analyses provided in Section 4, program evaluations used in this report, other documentation (e.g., Schoultz 1981; Stohl, Carleton, and Johnson 1984), and interviews with A.I.D. officers experienced in the topic. One proviso in formulating lessons learned is that the written evaluations of democratic institution building programs probably do not by themselves warrant the level of detail proposed here. It is only through interviews that the following lessons are corroborated and thereby reinforced.

5.1 General Lessons for the Agency

The most important aspect of democratic institution building is that what must be transmitted to host countries is the substance and processes of democratic development, not just the forms or outward appearance of some preferred democratic system. This means U.S. assistance must be designed to assist host countries in adapting democratic principles and processes to their unique sociocultural and political conditions.

A.I.D. must make a commitment to carry out democratic initiatives if it is to succeed in democratic institution building. While this may seem obvious, the Agency's level of commitment has not always been very strong. As is true for much of what is done in the name of development, individual A.I.D. officials must share corporately in the conviction that democratic institution building is the "right" thing to do. If that is not a shared sentiment within A.I.D., then some other way of carrying out democratic development must be considered.

Equally important, the host country or some group within the society should almost invariably be the initiator of democratic initiatives. If the initiative comes from the United States, then the probability of host country commitment is bound to be minimal. This does not mean a country initiative should not be transmitted to the United States through an intermediary. In any case, if U.S. interests coincide with that of the developing country regarding a democratic initiative, then so much the better.

Democratic institution building, like much of development, is a long-term process that must aim to transform complex patterns of institutionalized behavior. There is a distinct probability that democratic changes will be effected in the short run more by political events than by A.I.D. programs. This should not preclude the possibility, however, that A.I.D. programs will have a longer-term influence. At the same time, national political sensitivities prevent A.I.D. from funding human rights activities that reflect the entire gamut of issues uncovered in Department of State reports on human rights violations. Nevertheless, the projects that A.I.D. should be designing and funding are those that are mutually supporting and that facilitate networking among human rights supporters, versus several unconnected projects.

Human rights activities require a low profile. Perhaps more than in any other area in which A.I.D. has worked, the human rights effort is rife with potential to become politicized and emotionalized. One lesson learned for the Agency as a whole, as part of the State Department, is that human rights activities require a low profile. This is not to say that human rights policies must remain behind closed doors in the hands of traditional diplomacy. However, the very success of legal institution building efforts results not from the degree of publicity they engender but the number of people whose rights are positively affected and the extent to which these efforts penetrate the institutions they are intended to influence. (Another perspective, derived from one of the interviews conducted for this report,

is that the degree of publicity accorded an initiative depends entirely on the motivation or particular agenda of the host country recipient of assistance.)

Intermediary, nongovernmental organizations are the ideal entities to administer country human rights activities. Because A.I.D. needs to keep a low profile in carrying out the section 116(e) program and the related RAOJ project in Latin America, use of PVOs appears to be the most practical and effective approach. Especially desirable is the use of local PVOs, where they are present and qualified to administer human rights activities.

Since A.I.D.'s experience in the institution building arena is generally positive, any undertakings in support of democratic initiatives or human rights should be focused on support of democratic institution building rather than on sporadic, piecemeal activities. Furthermore, as in much of the A.I.D. assistance effort, the Agency's endeavor should in most cases support and strengthen existing institutions. A.I.D. has found that it is generally more effective to support ongoing institutions than to attempt the arduous task of creating new ones, especially in the sensitive arena of political development. Such thinking not only reflects the important criteria established for sustainable institution development, but also fits closely the criterion of local control, which is integral to the process of enacting democratic initiatives.

5.2 Lessons for Regional Bureaus

It is better that the A.I.D. Policy Determination No. 12 on human rights remain diffuse for purposes of approving projects. In that way, during project design, a broad interpretation can be made that reflects individual country human rights conditions, especially issues of political sensitivity. Such wide latitude for bureaus will also permit the Missions to maintain a low profile in the human rights arena and will diminish the likelihood that either A.I.D. or the U.S. Government is seen as interfering in a country's internal affairs. A more explicit and restrictive policy directive would be counterproductive.

Regional program priorities under section 116 and the RAOJ project must ultimately take into account specific needs that evolve at the country level. Especially because democratic institution building activities can be seen as highly political, their focus must be carefully and collaboratively worked out at the Mission level among host country, local or international PVO, and USAID representatives.

Regional bureau, other A.I.D./Washington, and Mission project officers with human rights program and project responsibilities should be trained in or periodically updated in democratic institution building, particularly since the subject matter and approach often differ from other, more traditional A.I.D. activities. Such training should include at a minimum the

following:

- An overview of Congressional legislation and Executive mandates for human rights advocacy activities, including the most recent concerns
- A review of the complexities of appropriate interventions, including politically and emotionally sensitive topics, on a country basis
- An approach to keeping a low Agency and Mission profile in the human rights arena, including various intermediary organizational approaches
- A methodology for drafting a country democratic institution building sector needs assessment and preparation of sector strategies and programs
- A framework for setting up a monitoring and evaluation system appropriate to the specific activity

5.3 Lessons for USAID Missions

Human rights programs must be designed and implemented by A.I.D. and PVOs at the Mission level. A centralized, Washington based approach, with responsibility for decisions about program activities and priorities deriving from "headquarters," is unworkable. A.I.D.'s or a PVO's existing network of field offices, including the knowledge and experience of field staff, is essential for the successful design and implementation of such programs.

Missions need to be aware that the very success of a PVO in administering and implementing human rights programs could lead to an unreasonably low level of monitoring by the Mission. Where inattention to monitoring by the Mission occurred, there was also an insufficient flow of information to A.I.D./Washington for planning and accountability purposes. In this situation, bureaus need to specify the kinds of information they require to permit them both to track progress and to plan future projects and programs.

As for much of A.I.D.'s work, there is a real need in human rights programs for identifiable program performance indicators and evaluation factors. Early identification of progress indicators, such as extent of legal services, legal literacy, and legal education, would permit more systematic assessment of program effectiveness and impact.

Use of rapid appraisal methods such as focus group or key informant interviews should be applied in evaluating democratic institution building programs. Evaluators who looked at human rights changes could have benefited from talking with participants to see what kinds of changes they experienced. For example,

the way individuals perceive their own relationship to the state, including their own rights and duties, as a result of participating in a democratic institution building program is best derived through an interview method.

6. OUTSTANDING ISSUES

This report has to a certain extent taken for granted the appropriateness of human rights or democratic institution building as a development activity for A.I.D. The rationale for accepting such activity as a "legitimate" development endeavor is the assumption on the part of many who work in development that there is a natural link between democratic and economic development. In the West, democratic development is presumed to have resulted in yet greater democratic freedom, growth, and modernization; therefore, the promotion of the democratic experience seems as though it should be reasonably easily transferable to developing countries. Yet, in fact, we know that the democratic process is intricate and complex and can not be imposed on developing or modernizing societies just because these societies are modernizing.

Some critical questions arise concerning A.I.D.'s role in this complex and difficult arena. What options does the Agency have in carrying out its mandate? Should it be involved in this arena at all, given the value-laden and potentially political and emotional character of the topic? These questions will be addressed in the discussion of remaining issues that follows.

One of the most critical and sensitive aspects of the human rights policy in the foreign assistance context is how to apply such a policy without doing damage to other important U.S. interests. This issue is important to all parties to U.S. foreign assistance. In the case of A.I.D., many officials feel that turning the aid flow off and on as a response to human rights conditions is impractical because of the harmful disruptions to the long-term prospects of development. A more traditional way of responding to human rights conditions is through normal diplomatic channels -- that is, behind closed doors and with no public fanfare. Probably the most appropriate response is for A.I.D. to continue to support the "positive" aspect of human rights activities by supporting developmental activities, while allowing the State Department to respond to human rights violations, as is their current responsibility under the law.

Recent A.I.D.-supported research on the informal sector in several developing countries suggests the potential importance of both legal and legislative institution reform and development in those countries. Were A.I.D. to become heavily involved in an activity as dramatic as the restructuring or legalizing of informal sectors in developing countries, it would have to consider very carefully how it would structure its role and presence. This topic not only touches on such diverse and sensitive topics as social class tensions, property rights, taxation, and the need

for increased public services, but it also invokes some of the very same issues that have arisen in A.I.D.'s democratic institution building, as described in this report, such as the need for a low A.I.D. profile and the use of nongovernmental intermediaries. An overriding issue and one of critical importance to any work undertaken by the Agency in the human rights/democratic initiatives area is that of the national sovereignty of the countries where A.I.D. is working in this critical area.

7. CONCLUSION

The results of this review of A.I.D.'s legal institution building activities are mixed. Sustainable democratic institution building, though within reach of the programs and projects reviewed here, remains elusive. Clearly, the task of interpreting Congressional and Executive mandates and translating them into meaningful human rights or democratic institution building projects is difficult, especially when the initiative comes from the United States. Final results of democratic institution building are, as in much of A.I.D.'s work, linked to the success of the longer, overall national social and economic development process. The early evidence is, however, that A.I.D. can indeed make a significant contribution to improving legal institutional structures in developing countries that initiate such improvement and that openly accept U.S. assistance. It might be added that the initiating country must probably already possess a basic legal system on which it can build. If the Agency is to make a significant impact, it will need to treat democratic development in the same serious manner that it treats its other initiatives for the development of sustainable institutions.

APPENDIX A

ORIGINS OF TITLE IX

Title IX was in part a reaction in Congress to a prevalent feeling that development could be achieved predominantly through physical infrastructure projects. Some Representatives at the time felt otherwise--that development required a more human touch. Thus, they saw as necessary some changes in human institutional forms that would be achieved through A.I.D. support of participatory institutional development in the social, economic, and political domains (FAA, 1967, section 108).

Title IX emphasized evaluation aimed at using A.I.D. institutional development experience in implementing programs under that title. During an A.I.D.-sponsored executive seminar on social and civic development in Antigua, Guatemala in June 1969, Representative Bradford Morse explained that Title IX had been enacted because "there had been no effective evaluation in the implementation of foreign aid" (Brookings 1969, 11). Thus, according to this view, the legislation was in part tied to Congress'

dissatisfaction with A.I.D.'s accountability for results to that time, as well as Congress' waning interest in and support for foreign aid.

A.I.D. Human Rights Policy Determination No. 12 has given a reasonably wide latitude to the bureaus for reviewing and approving human rights proposals. The Asia and Near East human rights activity evaluation is instructive on that point:

Given the sensitivity to the subject in most countries, and the difficulty of designing project or program interventions that are not viewed by host governments as interference in their internal affairs, we believe a more pointed and restrictive policy directive could be counterproductive. (Development Associates 1987, 44)

What seems to work best, as the basis for proposed human rights activities, is for A.I.D./Washington to allow flexibility to Missions in interpreting the Policy Determination No. 12 themes.

APPENDIX B

A.I.D.'S CIVIC PARTICIPATION DIVISION

In response to the Title IX legislation, A.I.D. set up a Title IX or Civic Participation Division within the Bureau for Program and Policy Coordination (PPC). That division supported research and training through several universities with the aim of determining how best to incorporate considerations of social, political, and economic development into A.I.D. projects. As part of this initiative, Stanford University conducted research on effective participatory methods; Northwestern University looked at modernization and sociopolitical participation; the Fletcher School provided training in social and political aspects of development; and Yale University examined the role of law and legal institutions in development (Brookings 1969).

The Civic Participation Division sponsored publication of several documents to be used in its Title IX in-service training program. An example of such a document was the Title IX Reference Digest (A.I.D. 1968), which included information on legislative precedents for Title IX as well as material relating to the use of democratic institutions in development. Another was increasing Participation in Development: Primer on Title IX (A.I.D. 1970a), containing excerpts from a statement of A.I.D. progress towards Title IX objectives by the Administrator to the House Committee on Foreign Affairs and an inventory of A.I.D. Title IX activities.

A broader-based document published by the Civic Participation Division was Political Development and U.S. Development Assistance (A.I.D. 1970b). This document showed that A.I.D. was developing new approaches to political institution building and that "stronger efforts are being made to make A.I.D. personnel

more fully aware of Title IX concepts which can be incorporated into the programming process." Reports were also commissioned by the same division from such institutions as the Massachusetts Institute of Technology and Stanford University to assist in implementing participatory democracy programs and provide basic guidance to Missions on Title IX (e.g., Millikan, Pye, and Hapgood 1968; Kotz 1969).

That division was later absorbed into ongoing programs in the PPC Bureau.

APPENDIX C

NOTES ON THE HUMAN RIGHTS INITIATIVE

Congressional interest in a human rights initiative was, according to one view (Carleton and Stohl 1985, 206 ff), "originally spurred by the American civil rights movement, the backlash against American involvement in Vietnam, and disenchantment with the amoral character of the Nixon-Kissinger-Ford foreign policy." Passed by a Democratic Congress in 1973 and subsequently amended in section 502B of the 1974 Foreign Assistance Act, the initiative was an effort to tie foreign aid to developing country adherence to human rights.

Under the Carter administration the initiative -- as Secretary of State Vance stated in a speech at Notre Dame University -- was aimed at encouraging the enhancement of individual integrity through civil and human rights initiatives. During the Reagan administration the emphasis -- highlighted in a speech by President Reagan to the British Parliament in 1982 -- shifted to strengthening democratic institutions as the best guarantor of individual human rights. The major difference in approach between the two administrations was that "economic rights" were excluded from the general human rights arena during the Reagan presidency. Any rights pertaining to individual work and production were thus left to the ebb and flow of the marketplace rather than to the rule of law.

APPENDIX D

A.I.D. OFFICERS CONSULTED

Several A.I.D. officers who have first-hand experience with democratic initiatives from the vantage point of Washington, from the field, or both, read one or more drafts of this paper and were interviewed for their comments on the draft and their experience. Their participation in the interviews does not suggest that they necessarily concur with all of the findings or interpretations. These officers are as follows:

Richard Blue, Bureau for Asia and Near East, Office of Technical

Resources

Carl Cira, Bureau for Latin America and the Caribbean, Regional
Administration of Justice Office

Beverly Farrell, Bureau for Program and Policy Coordination,
Office of Policy Development and Program Review, Sector
Policy Division

Thomas Geiger, Office of the General Counsel, Bureau for Latin
America and the Caribbean

Linn Hammergren, Special Projects Advisor, Regional
Administration of Justice Office

Travis Horel, Bureau for Program and Policy Coordination, Office
of Policy Development and Program Review, Sector Policy
Division

Roma Knee, Bureau for Latin America and the Caribbean, Democratic
Initiatives Staff

Jonathan Silverstone, Office of the General Counsel, Bureau for
Asia and the Near East

Randal Thompson, Bureau for Program and Policy Coordination,
Center for Development Information and Evaluation

Marilyn Zak, Bureau for Latin America and the Caribbean, Office
of Caribbean Affairs

APPENDIX E

LEGAL INSTITUTION BUILDING PROJECTS

Country	Project Number	Project Title	Brief Description	Project Dates
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ANE

Egypt	398-0054	Participant Training	Broader awareness of human rights and rule of law	1983-88
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Egypt	Study, Observation Visits in the United States	Judges and law faculty visits to legal institutions		
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Egypt	Peoples and Human Rights	Promotion of		
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	Conference	research on human rights	
Egypt	Research Support	Scholarly papers on human rights, law and admin. of justice	
Egypt	Procurement and Donation of Texts and Documentation	Promotion of research	
Indonesia	498-0251 Indonesian Legal Services	Documentation, 1979-87 criminology, legal aid	
	398-0251 Indonesian Legal Infrastructure Program	Skills training, 1982-84 documentation, information	
Jordan	398-0054 Participant Training	Legal and human rights training for judges and professors	1983-88
Jordan	Research Support	Improvement of legal service delivery and administration of justice	
Jordan	Procurement and Donation of Texts	Provision of texts human, civil, and legal rights	
Morocco	398-0054 Red Crescent Society: Seminars on International Humanitarian Law and Human Rights		1983-88
	Participant Training	Human rights training for university law professors	
	Procurement and Donation of Texts and Other Materials	Strengthen scholarship	
	Regional Conferences	Consciousness- raising in legal and human rights arena	
	Visiting Lecturers and Technical Assistance	U.S.-Morocco transfer of political and	

Nepal	367-0150	Supreme Court of Nepal	legal knowledge Dissemination of information on legal system	1983-85
		Ministry of Law and Justice	Dissemination of laws, regulations, codes	
		Nepal Women's Organization: Women's Legal Services	Legal counsel, literacy	
Philippines	398-0251	Legal and Human Rights Institute-Mindanao Integrated Bar of the Philippines		1984-88
		Regional Law Libraries		1983-86
		Legal Education and Information: Women Lawyers Circle		1983-86
	492-0251	Popularizing the Law: University of Philippines		1983-86
	492-0345	Community Cooperation volunteer for Social Justice	community 1983-86 program	
		Land Tenure for Cultural Minorities		1983-86
	398-0251	Seminar on Clinical Approach to Legal Education: University of Philippines Law Center		1980
Thailand	398-0251	Legal Dissemination and Leadership Roles Awareness Program for Women		1986-87
		Seminar on Legal Aid Services		1980
		Chulalongkorn University, Social Research Institute, Union of Civil Liberties		1980-81
		Legal Aid and Legal, Thai Women Lawyer's Association		
	493-0296	Rural Legal Literacy Programs	Assistance to Thai	1984-85
Regional	498-0251	Asia-Pacific Mediation and		1985-88

Conciliation Conference
and Asia-Pacific
Organization for Mediation

Near East 398-0054 Legal Education and Training Project 1983-88

LAC

Central 597-0002 Regional Administration Strengthening 1985-
America Justice Project of regional

and national
institutions
in order to
provide nec-
essary serv-
ices for the
improvement of
the legal,

Costa Rica, administrative,
Dominican and technical
Republic, performance of
El Salvador, national justice
Guatemala, systems in the
Honduras region, with
major emphasis
on criminal
justice system
improvement

Creation and
utilization
of a national
commission to
conduct and use
justice sector
assessments and
provide training
and technical
assistance in
reviewing and
analyzing crim-
inal justice
systems

South America Regional Administration Same as for 1985-
Bolivia, of Justice Project Central America
Ecuador, Peru,
Uruguay

AFR

Africa-wide, N/A Regional Human Rights FY 1988
includes: and Democratic Institution

	Building	
Botswana		Democracy conference support
Liberia		Office equipment for Press Union of Liberia
Togo	Togo Human Rights Commission	Center for citizens' human rights information program
Africa-wide, includes:	Legal and Human Rights Literacy	
Lesotho		Campaign for democracy, including law schools, practitioners, adult education
Nigeria		Rural women's awareness of voting rights
Senegal		Publications for use in increasing rural access to justice
Swaziland		Legal aid services and information program
Tanzania		Legal Aid Committee of University of Dar Es Salaam for legal literacy program
Zaire		Publicity for Kinshasa Bar Association, free legal clinic and legal rights training seminars
Zimbabwe		Harare Legal

	Resources Foundation Publication of legal papers and guidebooks
Africa-wide, includes:	Strengthening the Legal System
Chad	Judicial training for Chadians in Mali
Liberia	Basic office equipment and supplies for the Liberian Supreme Court and organizing and publication of Court's decisions
Malawi	Judicial training conference on legal procedures
Mozambique	Program of law codification and public defender training
Rwanda	Judicial training seminars for magistrates and other administrators of justice
Sierra Leone	Improvement of quality of jurisprudence system and public awareness of justice program
Uganda	Office equipment for Ministry of Justice in support of recodifying and updating law
Zaire	Publication of Supreme Court decisions for use

	by lawyers and law students
Zimbabwe	Legal texts purchases for Bulawayo Legal Projects Center
South Africa	South Africa Human Rights Fund grants to (1) PVOs to assist victims of apartheid and victims of violence, (2) assist black-led groups which promote peaceful change through nonviolence, and directly provide legal assistance to the disadvantaged and victims of apartheid

NOTE: ANE = Bureau for Asia and the Near East
LAC = Bureau for Latin America and the Caribbean
AFR = Bureau for Africa

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Total South Africa Program: \$1.5 million.

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